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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

17

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/648,908

Applicant(s)

SHUPE ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 4-26-04 have been fully considered but they are not persuasive:

1. The applicant argues that prompting from the MSC is taught. The examiner disagrees. The applicant's independent claims are focused on "automatically updating an MSC with a change in the subscriber's profile". The examiner notes that Morin teaches a registration process whereby the HLR automatically updates a profile as need be without prompting from the MSC. The examiner must broadly interpret all claims put before him at the PTO and the examiner interprets the applicant's claim in the broadest sense, ie. Is the MSC in Morin's patent asking the HLR to update the user's profile. The answer is NO since the MSC is only requesting that a service profile be sent.

Secondly, the examiner notes that Morin's patent compares the user's service profile to services offered by the MSC and will automatically update the service profile to be as-close-as-possible to the MSC's offered services, which again is performed without MSC prompting. Therefore the examiner will stand firm on this point and believes the applicant must amend their claim language to set themselves apart from Morin (as well as Franks and Vuoristo previously included but not cited).

2. The previous rejection is included for informational purposes only.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-6, 8-11 and 18-24** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti in view of Morin et al. US 6,584,312 (hereafter Sonti and Morin).

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As per **claims 1-2, 4-6, 8 and 23**, Sonti teaches a wireless communications system including a Service Location Register, Switching Center and a subscriber (figure 1) the subscriber having at least one profile associated with the subscriber (abstract and figures 2-4), a method of automatically updating the Switching Center with a change in the subscriber's profile comprising:

Receiving an update at a database regarding a change in the subscriber's profile generating a request to the Service Location Register to send a profile update for the subscriber to a Switching Center (C8, L25-67, specifically L57-60 which states that the HLR sends any/all valid profile updates to the MSC without MSC intervention).

**But is silent on** in response to the request and without any prompting by the MSC.

Morin teaches an HLR comparing services supported by an MSC to services desired by a user (eg. their service profile) and having the MSC provide an alternate service if a user-desired service is not available. The examiner notes that this is an "automatic function" and requires the MSC to perform service(s) based on an update it receives from an SLR (eg. HLR). The examiner therefore interprets this as reading on the silent portion above since a comparison is required and an event trigger occurs (eg. applicant's updates MSC while Morin has the MSC substitute a service) which provides for an automatic operation. While Morin's focus may not be used in the same way as the applicant, it none-the-less ends in a similar result – eg. the MSC does not prompt the HLR and the MSC is updated so as to provide a certain service to a certain user as per the HLR's direction. Hence one skilled would apply Morin's automatic service substitution to an automatic MSC service profile update to circumvent considerable data traffic between HLR and MSC to determine if the MSC needs to be updated.

Lastly the examiner includes, but does not cite, Franks (figure 3, C8, L35 to C9, L14) and Vuoristo (C7, L63 to C8, L43) as containing disclosures whereby the MSC is updated without its prompting.

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti, such that MSC prompting is not required, to provide automatic updates to an MSC(s) when an update occurs.

As per **claim 2**, Sonti in view of Morin teaches and HLR (C8, L57-60).

As per **claim 4**, Sonti in view of Morin teaches an MSC (C8, L57-60).

As per **claim 5**, Sonti in view of Morin teaches a wireless communication system including an HLR, MSC and a plurality of subscribers (figure 1) each of the subscribers having at least one profile associated with the subscriber, a method of automatically updating the MSC with a change in the subscriber profile, comprising

Receiving an update at a database regarding a change in the subscriber profile  
Initiating a stored procedure in the database to generate a request to the HLR to send a Qualification Directive (QUALDIR) to the MSC the qualdir including an update to the subscriber profile,

Sending the QUALDIR message to the MSC. (C8, L25-67, specifically L57-60 which states that the HLR sends any/all valid profile updates to the MSC without MSC

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intervention AND figure 7 shows a QUALDIR message w/profile between the MSC and HLR) **But is silent on** in response to the request and without any prompting from the MSC.

Morin teaches an HLR comparing services supported by an MSC to services desired by a user (eg. their service profile) and having the MSC provide an alternate service if a user-desired service is not available. The examiner notes that this is an "automatic function" and requires the MSC to perform service(s) based on an update it receives from an SLR (eg. HLR). The examiner therefore interprets this as reading on the silent portion above since a comparison is required and an event trigger occurs (eg. applicant's updates MSC while Morin has the MSC substitute a service) which provides for an automatic operation. While Morin's focus may not be used in the same way as the applicant, it none-the-less ends in a similar result – eg. the MSC does not prompt the HLR and the MSC is updated so as to provide a certain service to a certain user as per the HLR's direction. Hence one skilled would apply Morin's automatic service substitution to an automatic MSC service profile update to circumvent considerable data traffic between HLR and MSC to determine if the MSC needs to be updated.

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti in view of Morin, such that MSC prompting is not required, to provide automatic updates to an MSC(s) when an update occurs.

As per **claim 6**, Sonti in view of Morin teaches a wireless system having at least one subscriber with at least one profile, (figure 1), a system for automatically updating the Switching Center with a change in the subscriber's profile, the system comprising;

A database configured to receive an update regarding a change in the subscriber's profile to generate a request to send a profile to the Switching Center

A SLR in communication with the database and being configured to:

Receive the request to send the profile update to the MSC (C8, L25-67, specifically L57-60).

**But is silent on** In response to the request and without receiving any prompting from the MSC, send the profile update to the MSC.

Morin teaches an HLR comparing services supported by an MSC to services desired by a user (eg. their service profile) and having the MSC provide an alternate service if a user-desired service is not available. The examiner notes that this is an "automatic function" and requires the MSC to perform service(s) based on an update it receives from an SLR (eg. HLR). The examiner therefore interprets this as reading on the silent portion above since a comparison is required and an event trigger occurs (eg. applicant's updates MSC while Morin has the MSC substitute a service) which provides for an automatic operation. While Morin's focus may not be used in the same way as the applicant, it none-the-less ends in a similar result – eg. the MSC does not prompt the HLR and the MSC is updated so as to provide a certain service to a certain user as per the HLR's direction. Hence one skilled would apply Morin's automatic service substitution to an automatic MSC service profile update to circumvent considerable data traffic between HLR and MSC to determine if the MSC needs to be updated.

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It would have been obvious to one skilled in the art at the time of the invention to modify Sonti in view of Morin, such that MSC prompting is not required, to provide automatic updates to an MSC(s) when an update occurs.

As per **claim 8**, Sonti in view of Morin teaches an MSC (C8, L57-60).

As per **claims 9, 11 and 20-22, 24**, Sonti in view of Morin teaches claim 6 **but is silent on** a Sybase database and a stored procedure.

The examiner interprets the MSC, HLR and/or VLR as hardware devices which contain database software to perform various functions and hence, the examiner takes **official notice** that commercially available database software used would include Sybase, Oracle, SQL Server, etc. as well as databases providing the ability to initiate stored procedures as programmed by the user.

As per **claims 10 and 18-19**, Sonti in view of Morin teaches claim 6 wherein the request generated by the database is a qualification directive (figure 7 shows a QUALDIR message w/profile between the MSC and HLR).

**Claims 3 and 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti/Morin and further in view of Dougherty US 6,393,271 (hereafter Dougherty).

As per **claim 3**, Sonti in view of Morin teaches claim 1 and service registers **but is silent on** a WSLR.

Dougherty teaches a system/method for wireline-based registration of wireless device (title and abstract and figure 1, #24).

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti in view of Morin, such that a WSLR is used, so that a WSLR can be used instead of (or in place) of a generic Service Location Register.

As per **claim 7**, Sonti in view of Morin teaches claim 6 and service registers **but is silent on** a WSLR.

Dougherty teaches a system/method for wireline-based registration of wireless device (title and abstract and figure 1, #24).

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti in view of Morin, such that a WSLR is used, so that a WSLR can be used instead of (or in place) of a generic Service Location Register.

**Claims 12-14 and 25** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti/Morin and further in view of Chang et al. US 5,958,016 (hereafter Chang).

As per **claims 12-14 and 25**, Sonti in view of Morin **is silent on** use of Web/Internet.

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Chang teaches use of Web/Internet to allow subscriber profile changes and for subscriber access to billing, profiles, etc. (title, abstract, figures 1-2 and C2, L7-67 and C4, L45-58 - The control data input by the subscribers may control services facilitated through high level network control points. In an intelligent network implementation of a telephone network, for example, the control data is used to establish or modify call processing records stored in a service control point. The control data also may be used to modify individual subscriber profiles in central office switching systems of the telephone network.).

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti in view of Morin, such that Web/Internet access can be used, to provide ubiquitous access to anyone wishing to view their account AND/OR for allowing customer service to be remotely located from the MSC/HLR/Servers.

**Claims 15-17** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti/Morin and further in view of Foti US 5,913,165 (hereafter Foti).

As per claims **15-17**, Sonti in view of Morin is silent on including at least one feature set.

Foti teaches changing service feature(s) [title].

Morin teaches an HLR comparing services supported by an MSC to services desired by a user (eg. their service profile) and having the MSC provide an alternate service if a user-desired service is not available. The examiner notes that this is an "automatic function" and requires the MSC to perform service(s) based on an update it receives from an SLR (eg. HLR). The examiner therefore interprets this as reading on the silent portion above since a comparison is required and an event trigger occurs (eg. applicant's updates MSC while Morin has the MSC substitute a service) which provides for an automatic operation. While Morin's focus may not be used in the same way as the applicant, it none-the-less ends in a similar result – eg. the MSC does not prompt the HLR and the MSC is updated so as to provide a certain service to a certain user as per the HLR's direction. Hence one skilled would apply Morin's automatic service substitution to an automatic MSC service profile update to circumvent considerable data traffic between HLR and MSC to determine if the MSC needs to be updated.

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti, such that service features are included, to provide means for automatically updating MSC profiles and service features.

**Claims 26-29** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti in view of Morin and Cianfrocca et al. US 6,099,796 (hereafter Cianfrocca).

As per **claims 26 and 28**, Sonti teaches a wireless communications system including a Service Location Register, Switching Center and a subscriber (figure 1) the subscriber having at least one profile associated with the subscriber (abstract and

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figures 2-4), a method of automatically updating the Switching Center with a change in the subscriber's profile comprising:

Receiving an update at a database regarding a change in the subscriber's profile generating a request to the Service Location Register to send a profile update for the subscriber to a Switching Center (C8, L25-67, specifically L57-60 which states that the HLR sends any/all valid profile updates to the MSC without MSC intervention).

**But is silent on** using a database client connection to update a database AND in response to the request and without any prompting by the MSC.

Morin teaches an HLR comparing services supported by an MSC to services desired by a user (eg. their service profile) and having the MSC provide an alternate service if a user-desired service is not available. The examiner notes that this is an "automatic function" and requires the MSC to perform service(s) based on an update it receives from an SLR (eg. HLR). The examiner therefore interprets this as reading on the silent portion above since a comparison is required and an event trigger occurs (eg. applicant's updates MSC while Morin has the MSC substitute a service) which provides for an automatic operation. While Morin's focus may not be used in the same way as the applicant, it none-the-less ends in a similar result – eg. the MSC does not prompt the HLR and the MSC is updated so as to provide a certain service to a certain user as per the HLR's direction. Hence one skilled would apply Morin's automatic service substitution to an automatic MSC service profile update to circumvent considerable data traffic between HLR and MSC to determine if the MSC needs to be updated.

Lastly the examiner includes, but does not cite, Franks (figure 3, C8, L35 to C9, L14) and Vuoristo (C7, L63 to C8, L43) as containing disclosures whereby the MSC is updated without its prompting.

Cianfrocca teaches running a database engine on its own computer that may also be situated inside the DMZ and outside your firewall since many database engines accept connections from database client-programs on particular TCP ports that may or may not be configurable (figure 4 and C17, L19-67). The database server(s) would be able to receive database updates via said database client connection based on the way the system is designed in figure 4.

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti, such a database client connection is used and that MSC prompting is not required, to provide database connectivity via commercial software over the Internet and automatic updates to an MSC(s) when an update occurs.

As per **claims 27 and 29**, Sonti in view of Morin and Cianfrocca teaches claim 26/28 **but is silent** on the database connection comprises a request initiated from an HTTP (web) client.

Cianfrocca teaches connecting the database server(s) to the Internet which are inherently accessible from a browser-based computer (eg. via Windows Explorer).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Sonti in view of Morin and Cianfrocca, such that the database connection comprises a request from a HTTP client, to provide means for any browser-based user to access the server(s)/MSC/SLRs no matter where they are located.



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**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
5-7-04



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